

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

In re: Equifax, Inc. Customer Data Security Breach Litigation	)	MDL Docket No. 2800
	)	Case No.: 1:17-md-2800-TWT
	)	ALL CASES
	)	

**PLAINTIFFS' BRIEF IN SUPPORT  
OF MOTION TO PROVISIONALLY SEAL ECF NO. 928**

Plaintiffs, by and through their counsel, move for this Court, pursuant to the Stipulated Protective Order (ECF No. 298), to provisionally seal the letter brief submitted by Plaintiffs at ECF No. 928.

The Stipulated Protective Order prohibits the filing of designated “protected material” on the public docket. (*See* ECF No. 298, at 13–17). Under the Protective Order’s procedures, parties and deponents have 30 days from receipt of a deposition transcript to designate portions of the transcript as confidential or highly confidential. *See* ECF No. 298 at 12. During the 30 day review period, the entire transcript is to be treated as highly confidential. *Id.* at 13.

Plaintiff’s letter brief includes quotes from a deposition transcript of Graeme Payne. The final transcript of Mr. Payne’s deposition was delivered on or around December 11, 2019, so the parties and Mr. Payne have until about January 10, 2020 to make designations. As the 30 day review window has not expired, Plaintiff’s letter

brief includes information that is currently required to be treated as “highly confidential” under the Protective Order.

The Clerk of Court currently has the filing under restricted access pending a decision on this Motion, but that restricted access will expire soon.

Before filing this Motion, Plaintiffs’ counsel sought permission from counsel for Equifax and counsel for Mr. Payne to file the portion quoted by Plaintiffs publicly as Plaintiffs do not believe that the quoted information contains confidential information. In response, counsel for Mr. Payne stated that he “defers to Equifax, and otherwise, does not have a position” with respect to the confidentiality. Counsel for Equifax stated that they “object to making any portion of Mr. Payne’s deposition public.”<sup>1</sup> Because Equifax believes the submission includes information that is confidential under the Protective Order, and because Equifax has indicated it believes the entire transcript of Mr. Payne’s deposition is confidential, Plaintiffs request that the Court provisionally seal ECF 928.

Pursuant to Appendix H of this Court’s Local Rules (addressing ECF procedures):

If any document is included in the provisionally sealed filing because a non-movant has requested protection of the document from public disclosure, including but not limited to documents designated pursuant to a protective order, then for each such document, the non-movant shall bear the burden of establishing good cause for sealing and must

---

<sup>1</sup> Coincidentally, Equifax’s letter brief cites portions of the Payne deposition transcript and was not filed under seal.

provide the information required by subsections 2(d)(ii) through 2(d)(iv) above in its response to the motion for leave to file under seal. As to each such document, the motion for leave to file under seal and supporting brief need only: (i) identify, with specificity, the documents or portions thereof for which sealing is requested by the non-movant and (ii) briefly explain the nature of the request or designation made by the non-movant. The movant must serve the motion and brief on all persons and entities (including nonparties) who have requested protection from public disclosure for one or more of the documents in the provisionally sealed filing.

L.R. App. H. at A20.

Plaintiffs respectfully request that the Court grant their motion and enter the attached order provisionally sealing the Letter Brief submitted by Plaintiffs at ECF No. 928.

Dated: December 18, 2019

Respectfully submitted,

/s/ Joseph P. Guglielmo

Joseph P. Guglielmo  
**SCOTT+SCOTT ATTORNEYS  
AT LAW LLP**  
230 Park Avenue, 17th Floor  
New York, New York 10169  
Tel. 212.223.6444  
jguglielmo@scott-scott.com

/s/ Gary F. Lynch

Gary F. Lynch  
**CARLSON LYNCH, LLP**  
1133 Penn Avenue, 5th Floor  
Pittsburgh, Pennsylvania 15222  
Tel. 412.322.9243  
glynch@carlsonlynch.com

***Financial Institution Plaintiffs' Co-Lead Counsel***

Craig A. Gillen  
**GILLEN WITHERS & LAKE,  
LLC**  
3490 Piedmont Road, N.E.  
One Securities Centre, Suite 1050  
Atlanta, Georgia 30305  
Tel. 404.842.9700  
cgillen@gwilllawfirm.com

MaryBeth V. Gibson  
**THE FINLEY FIRM, P.C.**  
3535 Piedmont Road  
Building 14, Suite 230  
Atlanta, Georgia 30305  
Tel. 404.320.9979  
mgibson@thefinleyfirm.com

Ranse Partin  
**CONLEY GRIGGS PARTIN  
LLP**  
4200 Northside Parkway  
Building One, Suite 300  
Atlanta, Georgia 30327  
Tel. 404.572.4600  
ranse@conleygriggs.com

*Financial Institution Plaintiffs' Co-Liaison Counsel*

Arthur M. Murray  
**MURRAY LAW FIRM**  
650 Poydras Street, Suite 2150  
New Orleans, Louisiana 70130  
Tel. 504.525.8100  
amurray@murray-lawfirm.com

Stacey P. Slaughter  
**ROBINS KAPLAN LLP**  
800 LaSalle Avenue, Suite 2800  
Minneapolis, Minnesota 55402  
Tel. 612.349.8500  
sslaughter@robinskaplan.com

Charles H. Van Horn  
**BERMAN FINK VANHORN P.C.**  
3475 Piedmont Road, Suite 1100  
Atlanta, Georgia 30305  
Tel. 404.261.7711  
cvanhorn@bfvlaw.com

Allen Carney  
**CARNEY BATES & PULLIAM,  
PLLC**  
519 W. 7th Street  
Little Rock, Arkansas 72201  
Tel. 501.312.8500  
acarney@cbplaw.com

Bryan L. Bleichner  
**CHESTNUT CAMBRONNE PA**  
17 Washington Avenue North  
Suite 300  
Minneapolis, Minnesota 55401  
Tel. 612.339.7300  
bbleichner@chestnutcambronne.com

Karen Hanson Riebel  
**LOCKRIDGE GRINDAL  
NAUEN  
P.L.L.P.**  
100 Washington Ave. S., Suite  
2200  
Minneapolis, Minnesota 55401  
Tel. 501.812.5575  
khriebel@locklaw.com

Karen S. Halbert  
**ROBERTS LAW FIRM, PA**  
20 Rahling Circle  
P.O. Box 241790  
Little Rock, Arkansas 72223  
Tel. 501.821.5575  
karenhalbert@robertslawfirm.us

Brian C. Gudmundson  
**ZIMMERMAN REED LLP**  
1100 IDS Center, 80 South 8th  
Street  
Minneapolis, Minnesota 55402  
Tel. 612.341.0400  
brian.gudmunson@zimmreed.com

***Financial Institution Plaintiffs' Steering Committee***

**CERTIFICATE OF COMPLIANCE**

I hereby certify pursuant to L.R. 7.1D that the foregoing complies with the font and point selections permitted by L.R. 5.1C. This brief was prepared on a computer using the Times New Roman font (14 point).

/s/ Gary F. Lynch